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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 29th November, 1973/Agrahayana 8, 1895 (Saka)

The following Act of Parliament received the assent of the President on the 29th November, 1973, and is hereby published for general information:—

THE CODE OF CIVIL PROCEDURE (AMENDMENT) ACT, 1973

NO. 49 OF 1973

[*29th November, 1973*]

An Act further to amend the Code of Civil Procedure, 1908

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Code of Civil Procedure (Amendment) Act, 1973. Short title.

5 of 1908. 2. For section 109 of the Code of Civil Procedure, 1908 (hereinafter referred to as the said Code), the following section shall be substituted, namely:— Substitution of new section for section 109.

"109. Subject to the provisions in Chapter IV of Part V of the Constitution and such rules as may, from time to time, be made by the Supreme Court regarding appeals from the Courts of India, and to the provisions hereinafter contained, an appeal shall lie to the Supreme Court from any judgment, decree or final order in a civil proceeding of a High Court, if the High Court certifies— When appeals lie to the Supreme Court.

(i) that the case involves a substantial question of law of general importance; and

(*ii*) that in the opinion of the High Court the said question needs to be decided by the Supreme Court.".

Omission of section 110.

3. Section 110 of the said Code shall be omitted.

Amendment of the First Schedule.

4. In the First Schedule to the said Code,—

(*1*) In Order XLV,—

(*a*) in rule 3, for sub-rule (*1*), the following sub-rule shall be substituted, namely:—

"(*1*) Every petition shall state the grounds of appeal and pray for a certificate—

(*i*) that the case involves a substantial question of law of general importance, and

(*ii*) that in the opinion of the Court the said question needs to be decided by the Supreme Court.";

(*b*) rules 4 and 5 shall be omitted;

(*2*) In Appendix G, in Form No. 12, for the portion beginning with the words "TAKE notice" and ending with the words "the Supreme Court.", the following shall be substituted, namely:—

"TAKE notice that.....has applied to this Court for a certificate—

(*i*) that the case involves a substantial question of law of general importance, and

(*ii*) that in the opinion of this Court the said question needs to be decided by the Supreme Court."

K. K. SUNDARAM,
Secy. to the Govt. of India.

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